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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,363

11/18/2005

Howard John Manning

KC-0137

4779

23117

7590

02/04/2009

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

02/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,363	<b>Applicant(s)</b> MANNING, HOWARD JOHN	
	<b>Examiner</b> JILL E. CULLER	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 8-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050328</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 8-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 21, 2008. The traversal is on the ground(s) that there would be no serious burden placed on the examiner for a search and examination of the entire application. This is not found persuasive because the claim limitations found in the additional inventions would require a different search from the search for the present invention. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,148,878 to Ganz et al.

With respect to claim 1, Ganz et al. teaches an apparatus for transferring substrates to and from a printer, comprising: a first storage unit, 3, for storing substrates prior to a printing operation, the first storage unit having a plurality of vertically stacked substrate supports, 15; a platen, 7, 8 for receiving a substrate from said first storage

Art Unit: 2854

unit, aligning the substrate with a printhead prior to a printing operation, and displacing the substrate subsequent to a printing operation to an unloading position; a second storage unit, 5, for storing substrates subsequent to said printing operation, the second storage unit having a plurality of vertically stacked substrate supports, 16; wherein the first and second storage units are movable vertically with respect to the platen, and in use, relative vertical movement of the first storage unit and the platen transfers a substrate from the supports of the first storage unit to the platen, and relative vertical movement of the second storage unit and the platen transfers a substrate from the platen to the supports of the second storage unit. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Figs. 3-5 in particular.

With respect to claim 2, Ganz et al. teaches the vertically stacked substrate supports of the first and second storage units are arranged to support substrate trays, 4, for holding a plurality of substrates. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Fig. 1 in particular.

With respect to claim 3, Ganz et al. teaches the platen receives a substrate tray from the first storage unit, the substrate being held on said substrate tray. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Figs. 3-5 in particular.

With respect to claim 4, Ganz et al. teaches a substrate tray extends lengthways across the width of the platen, the length of the tray being greater than the width of the platen. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Figs. 3-5 in particular.

Art Unit: 2854

With respect to claim 5, Ganz et al. teaches the first and second storage units comprise frames defining an interior cavity, into which the platen extends. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Figs. 3-5 in particular.

With respect to claim 6, Ganz et al. teaches third and fourth storage units movable vertically relative to the platen. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Figs. 3-5 in particular.

With respect to claim 7, Ganz et al. teaches two of said storage units are arranged on a first side of the printhead, and two of said storage units are arranged on the opposing side of the printhead. See column 1, line 64 - column 2, line 23, column 2, lines 57-65 and Figs. 3-5 in particular.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/  
Primary Examiner, Art Unit 2854